

Vedder Price (CA), LLP  
Lisa M. Simonetti (State Bar No. 165996)  
lsimonetti@vedderprice.com  
1925 Century Park East, Suite 1900  
Los Angeles, California 90067  
T: +1 (424) 204 7700  
F: +1 (424) 204 7702

Vedder Price P.C.  
Andrew M. Barrios (admitted pro hac vice)  
abarrios@vedderprice.com  
Bryan K. Clark (admitted pro hac vice)  
bclark@vedderprice.com  
222 N. LaSalle Street  
Chicago, IL 60601  
T: + (312) 609-7500  
F: + (312) 609-5005

Attorneys for Defendant  
UNITED STUDENT AID FUNDS, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

SHYRIAA HENDERSON,

Plaintiff,

v.

UNITED STUDENT AID FUNDS,  
INC.,

Defendant.

Case No. 3:13-cv-1845

**DEFENDANT UNITED  
STUDENT AID FUNDS, INC.'S  
MOTION TO STRIKE EXPERT  
DECLARATION OF JEFFREY  
HANSEN**

Hearing date: September 29, 2016  
Time: 1:30 p.m.  
Location: Courtroom 4A

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on September 29, 2016, or as soon thereafter as counsel may be heard, in Courtroom 4A before the Honorable Janis L. Sammartino of the United States District Court for the Southern District of California, located at 221 West Broadway, San Diego, CA 92101, defendant United Student Aid Funds, Inc. (“USAF”) will, and hereby does, move this Court pursuant to Federal Rule of Evidence 702 for an Order holding that that plaintiff Shyriaa Henderson’s proposed expert, Jeffrey Hansen, is not qualified to provide expert testimony and striking the Declaration of Jeffrey A. Hansen (Docket Entry 142-45, the “Hansen Declaration”) filed in support of Plaintiff’s Renewed Motion for Class Certification.

The basis for USAF’s Motion to Strike (the “Motion”) is that Hansen is not qualified to testify on the two key issues that form the basis of Henderson’s class certification arguments. First, Hansen opines that all of the Telephone Systems at issue in this case are, and have been, used in such a manner to be considered automatic telephone dialing systems (“ATDS”) under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* (the “TCPA”) since August 8, 2009. Second, Hansen opines that Henderson can rely on call records — which cover all calls made or attempted in any fashion since August 8, 2009 — to ascertain the class. As set forth in greater detail in the attached memorandum of points and authorities, Hansen simply lacks the necessary experience and expertise to opine on these issues, and his purported qualifications are significantly overstated.

Moreover, even if Hansen were qualified, his opinions do not address any subject requiring particularized expertise, and Hansen offers an improper legal conclusion in stating that each Telephone System is and has been an ATDS within the meaning of the TCPA. And even if Hansen’s ATDS determination was a proper topic for an expert opinion, his work — which consists entirely of reviewing

1 general documents about the Telephone Systems — is inherently unreliable and  
2 useless to the Court in reaching a resolution here.

3 Finally, Hansen’s proposal for determining class membership through use of  
4 call records is unreliable because the call records at issue are incomplete and filled  
5 with errors and anomalies, meaning that an individualized review of each record  
6 would be necessary to accurately ascertain the class membership.

7 USAF’s Motion is based on this Notice of Motion and Motion to Strike, the  
8 Memorandum of Points and Authorities file concurrently herewith, the Declarations  
9 of Lisa Simonetti, Margaret A. Daley, and Jerry Kaufman filed concurrently  
10 herewith, the pleadings and other papers on file in this matter, discovery produced  
11 to date, including all expert reports, any evidence or argument that may be  
12 presented at or before the hearing on this Motion, and any additional material that  
13 may be elicited at the hearing of this motion.

14 Dated: July 25, 2016

VEDDER PRICE (CA), LLP

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16  
17 By: /s/ Lisa M. Simonetti  
Lisa M. Simonetti

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19 Attorneys for Defendant  
20 UNITED STUDENT AID FUNDS,  
INC.

**CERTIFICATION**

I hereby certify that on July 25, 2016, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

*/s/ Lisa M. Simonetti*

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Lisa M. Simonetti